

EXHIBIT 16

MARK R. KILLINGSWORTH, D. PHIL. Non-Confidential Portions
BARTOLETTI -against- CITIGROUP

April 04, 2013
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<p style="text-align: right;">Page 45</p> <p>1 M. KILLINGSWORTH, D.Phil.</p> <p>2 certainly had major input into the decision.</p> <p>3 Q. So let me just see if I can ask</p> <p>4 that question again.</p> <p>5 Is it your understanding that the</p> <p>6 group heads of each group made the decision as</p> <p>7 to who would be let go in their respective</p> <p>8 groups?</p> <p>9 MR. GOTTLIEB: Objection. It has</p> <p>10 been asked and answered a couple of</p> <p>11 times. It is also outside the scope of</p> <p>12 his report. His report was about</p> <p>13 statistical analysis and you are going</p> <p>14 far afield of that.</p> <p>15 A. My understanding is that they</p> <p>16 flagged the people who were going, within</p> <p>17 their group, who were going to be terminated.</p> <p>18 My understanding also is that they</p> <p>19 did not necessarily have the absolute final</p> <p>20 word on the matter.</p> <p>21 Q. When you say they flagged people,</p> <p>22 what do you mean?</p> <p>23 A. Well --</p> <p>24 MR. GOTTLIEB: Objection.</p> <p>25 A. -- they said, in effect,</p>	<p style="text-align: right;">Page 47</p> <p>1 M. KILLINGSWORTH, D.Phil.</p> <p>2 Bloom was saying to mean. That's all. And if</p> <p>3 I gave you the impression that I somehow was</p> <p>4 going beyond that, I'm sorry, because it</p> <p>5 wasn't my intention.</p> <p>6 We could get Dr. Bloom's report</p> <p>7 out and I can show you exactly what I'm</p> <p>8 talking about. That's the sum and substance</p> <p>9 of what I was talking about, and other than</p> <p>10 that I'm just answering questions based on my</p> <p>11 interpretation of that language. That's all.</p> <p>12 Q. So is your understanding of the</p> <p>13 RIF process that Citigroup undertook, based</p> <p>14 upon what you read in Dr. Bloom's report?</p> <p>15 MR. GOTTLIEB: Objection. Can I</p> <p>16 hear the question again?</p> <p>17 (Record read.)</p> <p>18 MR. GOTTLIEB: I'm going to</p> <p>19 object. Are you asking him his</p> <p>20 understanding as it was with regard to</p> <p>21 the first report, or his understanding</p> <p>22 as he sits here today? I just want to</p> <p>23 make sure we have a clear record.</p> <p>24 Q. If they are different, you can</p> <p>25 tell me.</p>
<p style="text-align: right;">Page 46</p> <p>1 M. KILLINGSWORTH, D.Phil.</p> <p>2 identified so-and-so as somebody who should be</p> <p>3 terminated, so-and-so is somebody who should</p> <p>4 be retained.</p> <p>5 MR. GOTTLIEB: I need to take a</p> <p>6 short break.</p> <p>7 MR. TURNBULL: Sure.</p> <p>8 (Recess taken.)</p> <p>9 BY MR. TURNBULL:</p> <p>10 Q. Dr. Killingsworth, with respect to</p> <p>11 the individuals who were identified for</p> <p>12 termination by the group heads, you said it is</p> <p>13 your understanding that they were reviewed by</p> <p>14 someone. Is that what your testimony was?</p> <p>15 A. Well, my understanding I guess is</p> <p>16 summarized very, very succinctly by what is in</p> <p>17 Dr. Bloom's report. There is a line or two in</p> <p>18 which he says something like, the group heads</p> <p>19 made the decisions, or something like that.</p> <p>20 We could get it out and read it.</p> <p>21 And I took that to mean that they</p> <p>22 were reviewed by the group heads. That's all.</p> <p>23 I'm not trying to say -- I'm not trying to</p> <p>24 describe a, quote-unquote, review process. I</p> <p>25 just mean that that's what I took what Dr.</p>	<p style="text-align: right;">Page 48</p> <p>1 M. KILLINGSWORTH, D.Phil.</p> <p>2 A. Well, clearly I hadn't seen Dr.</p> <p>3 Bloom's report at the time that I did the</p> <p>4 first report. I didn't see it until after I</p> <p>5 sent the first report to plaintiffs' counsel</p> <p>6 to transmit to you. So I didn't have that</p> <p>7 language of Dr. Bloom's in my head, no.</p> <p>8 Q. Let me ask you, then, when you</p> <p>9 prepared your report, did you have any</p> <p>10 understanding of the RIF process?</p> <p>11 MR. GOTTLIEB: Objection.</p> <p>12 A. My understanding was that some</p> <p>13 employees were selected to be RIF'ed and were,</p> <p>14 and other people were not. That's it.</p> <p>15 Q. Did you have any understanding of</p> <p>16 how the decisions were made?</p> <p>17 A. No.</p> <p>18 Q. If you were trying to determine if</p> <p>19 termination decisions were made in a way that</p> <p>20 had a disparate impact on females, would you</p> <p>21 want to understand how the decisions were</p> <p>22 made?</p> <p>23 MR. GOTTLIEB: Objection.</p> <p>24 A. Well, number one, as I said</p> <p>25 before, I'm not a lawyer and disparate impact</p>

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1 M. KILLINGSWORTH, D.Phil.
2 another, having one decisionmaker rather than
3 another, had something do with your being
4 RIFed.
5 Q. Your conclusion, your output gives
6 only one result, either yes, there is a
7 statistical disparity, or no there is not a
8 statistical disparity. Correct?
9 MR. GOTTLIEB: Referring to which
10 table?
11 MR. TURNBULL: Table 2.
12 A. No, that isn't what it shows at
13 all.
14 Q. Let me see if I can break it down
15 a little bit and walk through it.
16 Who made the RIF decisions for Amy
17 Bartoletti, Nadine Mentor, Lisa Conley, Chia
18 Sui and Brittany Sharpton?
19 MR. GOTTLIEB: Objection. Outside
20 the scope of the report.
21 A. I can't name them.
22 Q. Do you understand that there were
23 different decisionmakers for each of them?
24 MR. GOTTLIEB: Objection. Outside
25 the scope of the report.

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1 M. KILLINGSWORTH, D.Phil.
2 A. Well, as I said, based on -- I
3 take Dr. Bloom's language, different people
4 made different decisions about people in
5 different groups.
6 Q. Is it possible that the
7 decisionmaker who selected Amy Bartoletti for
8 termination, discriminated with respect to
9 gender, but that the person who selected
10 Nadine Mentor did not discriminate with
11 respect to gender?
12 MR. GOTTLIEB: Objection.
13 A. How are you defining
14 discrimination? I'm not sure what you mean.
15 Q. Made the decision based on gender.
16 A. I'm still not sure what you mean.
17 Q. Well, you understand that
18 plaintiffs are alleging the decisions were
19 made based on gender. Correct?
20 A. Yes, I do. And, in particular,
21 that's, I think what I said on paragraph 2.
22 But you were asking a question and
23 I wasn't sure if you meant discrimination in
24 the legal sense, in the sense that economists
25 use the term or what. I can't offer an

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1 M. KILLINGSWORTH, D.Phil.
2 opinion about discrimination in the legal
3 sense, obviously.
4 Q. Let's put aside from a legal sense
5 and let's use your understanding.
6 Is it possible that the person or
7 persons who selected Amy Bartoletti for
8 termination made that decision based on her
9 gender, but that the person who selected
10 Nadine Mentor for termination did not make the
11 decision based on gender?
12 MR. GOTTLIEB: Objection,
13 that's --
14 A. Well, anything is possible, I
15 guess.
16 Q. Does your report and your analysis
17 allow us to make those distinctions?
18 A. Yes. And, in fact, let me give
19 you a simple example.
20 Suppose that it is true that the
21 people making the decisions about the
22 individual groups had different standards.
23 One group terminated half the people within
24 the group, while another decisionmaker
25 terminated only 10 percent of the people in

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1 M. KILLINGSWORTH, D.Phil.
2 the group, et cetera, et cetera. If each of
3 those decisionmakers did that in a sex neutral
4 fashion, then the sex coefficient that I
5 report here in table 2 would be statistically
6 zero.
7 So, yeah, and likewise --
8 Q. For each group?
9 MR. GOTTLIEB: Can you let him
10 finish his answer.
11 A. No.
12 MR. GOTTLIEB: Hold on. You need
13 to let the witness finish his answers
14 before you ask the next question or
15 interrupt him.
16 A. Let's extend it a little bit, but
17 what I said so far as far as all 16 of the
18 decisionmakers have different RIF rates within
19 their groups, but in every single case the RIF
20 rates don't differ by sex. I guess I had
21 better add for people who are otherwise the
22 same in terms of seniority and job title.
23 Then in that case my coefficient
24 here in table 2 is going to be statistically
25 zero.



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<p style="text-align: right;">Page 65</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 Now let's take it one step 3 further. Suppose that there is one bad apple, 4 one guy or person in one group who makes the 5 decisions for one group and does it in a 6 non-sex-neutral fashion and all the other 7 people do so in a sex-neutral fashion. They 8 may have different RIF rates across groups, 9 but within each group they are all sex 10 neutral. Then in that case it is likely, we 11 would have to do some simulations to maybe be 12 more specific, but it is certainly not 13 unconceivable that, again, the coefficient 14 here would be statistically zero. 15 So at any rate, the group 16 indicators, the group variables take full 17 account of presence in the group, and 18 simultaneously, take full account of the 19 difference in the decisionmakers concerning 20 those different groups. 21 Q. So then let me just pick up on 22 your example. How can we tell which, if any 23 of the groups, the 16 different groups in 24 public finance from your analysis, how can we 25 tell which, if any, made decisions in a</p>	<p style="text-align: right;">Page 67</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 the actual magnitude of the effect. So I just 3 don't know. 4 I mean, you would have to 5 construct some experimental data I guess or 6 something, simulate something like that. But 7 I don't think you can say for sure. There 8 aren't enough specifics to enable you to say 9 anything for sure. 10 Q. Do you know which, if any, groups 11 from your analysis the data indicate that 12 decisions were made in a sex-neutral fashion? 13 MR. GOTTLIEB: Objection. 14 A. The analysis doesn't tell you. It 15 doesn't investigate that. I didn't 16 investigate that. I'm looking at the overall 17 process taking account of group differences. 18 Q. And so, Dr. Killingsworth, is it 19 correct to say that, for example, if there 20 were 12 group heads who made decisions in a 21 sex neutral fashion but four group heads made 22 decisions in a non-sex-neutral fashion, that 23 those four decisionmakers could influence the 24 result as to your entire analysis? 25 MR. GOTTLIEB: Objection.</p>
<p style="text-align: right;">Page 66</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 sex-neutral fashion? 3 A. This doesn't address that 4 question. This addresses what the overall 5 impact is taking account of differences in 6 group membership. 7 Q. So in your analysis we cannot tell 8 whether a particular group head made decisions 9 in a sex-neutral fashion? 10 MR. GOTTLIEB: Objection. 11 A. We can't speak with respect to a 12 specific group. 13 We can, however, speak with 14 respect to the overall process taking account 15 of differences in group RIF rates. 16 Q. And let me just explore that a 17 little bit. 18 So is it possible that if one 19 group, if one group head made decisions in a 20 non-sex-neutral fashion, that that one group 21 head's decision-making could influence your 22 conclusion? 23 MR. GOTTLIEB: Objection. 24 A. Well, it is impossible to say by 25 how much. It is impossible to say empirically</p>	<p style="text-align: right;">Page 68</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 A. Well, the outcomes for any 3 individual person, regardless of what group 4 they are in, whether they are in a group with 5 a sex-neutral decisionmaker or a sex-biased 6 decisionmaker, all of those outcomes are going 7 to influence the result. Every single one. 8 Q. But your conclusion is that, as a 9 whole, you conclude that decisions were not 10 made in a sex-neutral fashion. Correct? 11 MR. GOTTLIEB: Objection. 12 A. As a whole, yes, taking account of 13 differences by group for people of the same 14 sex, by job title of the people for the same 15 sex and by seniority. 16 Q. And I'm going to come to those 17 control factors in a bit. 18 But my question is can you tell 19 from your analysis, how many groups made 20 decisions in a non-sex-neutral fashion? 21 MR. GOTTLIEB: Objection. 22 A. Well, I haven't attempted to study 23 that, no. 24 Q. Can we tell from your analysis 25 whether the decisions, the RIF decisions in</p>

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<p style="text-align: right;">Page 157</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 A. Well, it is not an analysis of any 3 individual group, correct. 4 Q. And so can one determine from your 5 analysis whether the decisions made in a 6 particular group were gender-neutral or not? 7 MR. GOTTLIEB: Objection. 8 A. Well, I give the previous answer. 9 It is not an analysis of individual groups. 10 Q. So is the answer no, one could not 11 make that determination? 12 MR. GOTTLIEB: Objection. 13 A. No. No, that's right. You can't 14 make a determination about an individual group 15 because this is not an analysis of gender 16 differences in any particular individual 17 group. 18 Q. Could one determine from your 19 analysis whether any particular decisionmaker 20 made decisions that were not gender-neutral? 21 MR. GOTTLIEB: Objection. I don't 22 think -- objection. 23 A. I would answer just the same way. 24 Q. So is the answer no? 25 A. The answer --</p>	<p style="text-align: right;">Page 159</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 whether the decision to terminate Amy 3 Bartoletti was influenced by gender? 4 MR. GOTTLIEB: Objection. 5 A. I haven't studied that, no. 6 Q. Do you have any opinion as to 7 whether the decision to terminate Ms. Conley 8 was influenced by her gender? 9 MR. GOTTLIEB: Objection. 10 A. I haven't studied that specific 11 decision either, no. 12 Q. Do you have any opinion as to 13 whether the decision to terminate Ms. Mentor 14 was influenced by her gender? 15 MR. GOTTLIEB: Objection. 16 A. I haven't analyzed that particular 17 decision, either. 18 Q. Do you have any opinion as to 19 whether the decision to terminate Ms. Sharpton 20 was influenced by her gender? 21 MR. GOTTLIEB: Objection. 22 A. I haven't studied that decision, 23 individual decision either. 24 Q. Do you have any opinion as to 25 whether the decision to terminate Ms. Sui was</p>
<p style="text-align: right;">Page 158</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 MR. GOTTLIEB: Objection. 3 A. The answer is right, it is not an 4 analysis of individual decisionmakers or of 5 individual groups. 6 Q. As part of your expert analysis, 7 do you reach any conclusions as to the 8 decision, the specific decision to let Amy 9 Bartoletti go? 10 A. No, I don't have an analysis of 11 that decision, about her individually. 12 Q. And do you make any conclusion 13 with respect to that decision? 14 MR. GOTTLIEB: Objection. 15 A. Well, not explicitly. The fact 16 that she was terminated is in the data and if 17 she hadn't been terminated, the results would 18 have looked different. 19 I didn't try to rerun the study 20 somehow classifying her as having been 21 retained, so I can't pull out the Amy 22 Bartoletti effect, if that's what you mean. 23 Q. I apologize, maybe my question is 24 not clear. 25 Do you have any opinion as to</p>	<p style="text-align: right;">Page 160</p> <p>1 M. KILLINGSWORTH, D.Phil. 2 influenced by her gender? 3 MR. GOTTLIEB: Objection. 4 A. I haven't studied that individual 5 decision, either. 6 Q. Do you have any opinion as to the 7 rationale for the termination decisions -- 8 MR. GOTTLIEB: Objection. 9 Q. -- as to each of the five 10 plaintiffs? 11 A. Say that again, I'm sorry. 12 Q. Do you have any opinion regarding 13 the rationale for the selection of each of the 14 five plaintiffs for termination? 15 MR. GOTTLIEB: Objection. 16 A. I don't believe I have seen any 17 written rationale for the actions taken with 18 respect to any one of those individuals, so I 19 haven't studied that. 20 Q. So is the answer no, you don't 21 have? 22 A. I haven't studied it. If I 23 haven't studied it, I certainly don't have an 24 opinion. 25 MR. TURNBULL: Let me turn to,</p>

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1 M. KILLINGSWORTH, D.Phil.
2 what I'm calling the damages report, and
3 I will have the court reporter mark as
4 Exhibit 5, your December 17, 2012
5 report.
6 (Killingsworth Exhibit 5,
7 December 17, 2012 report marked for
8 identification, as of this date.)
9 MR. TURNBULL: Dr. Killingsworth,
10 I'm going to have marked as
11 Killingsworth Exhibit 6, your addendum
12 to the first report.
13 (Killingsworth Exhibit 6,
14 addendum to Dr. Killingsworth's
15 first report marked for
16 identification, as of this date.)
17 MR. TURNBULL: And while we are
18 marking, I will have marked as Exhibit
19 7, your report in rebuttal to the report
20 of Dr. Becker.
21 (Killingsworth Exhibit 7, Dr.
22 Killingsworth's report in rebuttal
23 to Dr. Becker's report marked for
24 identification, as of this date.)
25 Q. Dr. Killingsworth, earlier we

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1 M. KILLINGSWORTH, D.Phil.
2 looked at the list of documents that you
3 consulted to prepare the expert report dated
4 December 17 which is the report that's marked
5 as Exhibit 5. And that list that you gave us
6 was previously marked as Exhibit 3.
7 A. Yes.
8 Q. So this list of documents on
9 Exhibit 3 is the list identified as the
10 documents that you consulted to prepare your
11 economic loss report?
12 A. Right. And that's Exhibit 5 I
13 think.
14 Q. Yes.
15 A. Yeah.
16 Q. And for this report, who chose,
17 who decided what documents you would review?
18 A. Well, I, just in general terms, I
19 asked for information on the pay of
20 comparables, so-called comparables. I was
21 informed that there were so-called comparables
22 that isn't always the case. But in this
23 instance there were, and there were, I guess I
24 would call them screen shots of information,
25 containing information about pay of these, pay

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1 M. KILLINGSWORTH, D.Phil.
2 bonuses, variable compensation, that sort of
3 thing. And at least some of those, most of
4 those are the documents we see here with these
5 Bates numbers on them. So I said, in effect,
6 give me information about the comparables and
7 their pay and that's what I got.
8 Q. Did you do anything to determine
9 who the comparables were?
10 A. No. I take that as given.
11 Q. As given by whom?
12 A. As given by counsel. They told
13 me, I asked who are the so-called comparables,
14 if there were. At some point I learned that
15 there are so-called comparables and I asked
16 who are they. So that's what I was told.
17 Q. Do you know that the plaintiffs
18 themselves identified comparables, who they
19 considered to be their comparables?
20 A. I think Dr. Becker's report has
21 statements to that effect. That's what I
22 recall.
23 Q. Other than Dr. Becker's report,
24 did you undertake anything to determine who
25 the comparables were?

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1 M. KILLINGSWORTH, D.Phil.
2 A. Well, other than Dr. Becker's
3 report and hearing statements from plaintiffs'
4 counsel. Those were, in fact, I got the
5 information from plaintiff's counsel because I
6 didn't see Dr. Becker's report until after I
7 prepared mine. So I wasn't -- I didn't rely
8 on Dr. Becker's report for any other
9 comparables. I got it from plaintiff's
10 counsel.
11 Q. In your list of documents that you
12 reviewed there are a few depositions that were
13 reviewed. Are you aware of that?
14 A. Yes.
15 Q. Do you recall what depositions you
16 reviewed?
17 A. Well, I think they are the ones
18 listed here on Exhibit 3, not the entire
19 deposition by the way. Just extracts.
20 Q. So first it looks like you
21 reviewed extracts you said?
22 A. Yes.
23 Q. Of three depositions?
24 A. Right.
25 Q. First, with respect to that, who

